

IV. AMENDMENTS TO THE DRAWINGS

--- Replacement and annotated mark-up drawing sheets for amended figures showing the amended figures, if any, are attached at the Appendix hereto. Each figure is in compliance with 37 C.F.R. § 1.84. An explanation of the changes, if any, is set forth below in this “Amendments to the Drawings” section. Replacement drawing sheets are identified in the top margin as “Replacement Sheet.” Any replacement drawing sheet including amended figures includes all of the figures appearing on the immediate prior version of the sheet. Any annotated drawing sheets, if the same are required by the Examiner, are identified in the top margin as “Annotated Marked-Up Drawings.” Any deleted figure is noted by an instruction to delete the figure. Any corresponding amendment to the specification necessary to be made because of an amendment to the drawings in this section is made in the corresponding “Amendments to Specification” section.

- THE DRAWINGS OF THE PATENT IS HEREBY AMENDED AS SET FORTH BELOW:
 - *No Amendment Made to the Drawings*
 - *Attachments: None*

V. REMARKS/ARGUMENTS

- STATUS OF THE CLAIMS

Claims 1 and 4 – 15 remain pending in this application. Claims 1, 4, 8, 11 and 12 have been amended herein.

- OBJECTIONS

- OBJECTIONS TO CLAIMS, SPECIFICATION & DRAWINGS

- Examiner's Stance

The Examiner has raised no objections to the claims, specification or drawings.

- Applicants' Response

N/A

- REJECTIONS

- REJECTION UNDER 35 U.S.C. §102, SECOND PARAGRAPH

- Examiner's Stance

The Examiner has rejected claims 1 – 8 and 11 – 15 under 35 U.S.C. §102(b) as being anticipated by Narusawa et al. (US Patent No. 6,527,173) (hereinafter referred to as “Narusawa”).

- Applicants' Response

Applicants respectfully traverse the rejection of claims 1 – 8 and 11 – 15 based in part on the argument that Narusawa does not teach use of a transient state change material on the card. For anticipation, each and every element must be found in the cited reference. For this reason alone, there can be said to be no anticipation. The Examiner's citation to col. 10, lines 5 – 6, is simply wrong as no support is found there for a transient state change material as defined in the specification of the present patent application.

- OBLIGATIONS UNDER 37 C.F.R. 1.56

- Examiner's Stance

The Examiner has noted the obligation of the Applicants under 37 C.F.R. 1.56 to identify the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made, as well as other obligations under the regulation.

- Applicants' Response

Applicants note all of their obligations under 37 C.F.R. 1.56.

- REJECTIONS UNDER 35 U.S.C. §103

- Examiner's Stance

The Examiner has rejected claims 9 and 10 as being unpatentable over US Patent No. 6,527,173 to Narusawa in view of Setani (US Patent No. 4,963,464).

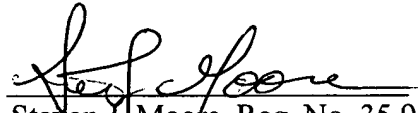
- Applicants' Response

Applicants respectfully traverse the Examiner's rejection, at least in part, on the argument that the Examiner has failed to provide a motivation for combining the references. More fundamentally, Applicants note no suggestion, motivation or teaching in either reference, alone or in combination, that a transient state change material would be associated with the different depth pits. The Examiner has provided no basis for how this missing matter would suddenly appear from thin air to a person of ordinary skill in the art looking at both of the references of record.

CONCLUSION TO REMARKS

Applicants assert that this response is fully responsive to the Examiner's office action dated November 16, 2005 in the filing of the RCE application herewith. Applicants respectfully seek early allowance of the pending claims.

Respectfully Submitted,



Steven J. Moore, Reg. No. 35,959
Attorneys for Applicants
Kelley Drye & Warren LLP
Two Stamford Plaza
281 Tresser Boulevard
Stamford, CT 06901-3229
smoore@kelleydrye.com

VI. APPENDIX

- *No appendix is intended to be attached*